

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTSCASE NO. CR05-30042United States of America
PLAINTIFFRicardo Diaz and Cesar Cruz
DEFENDANTAndrew Lelling

Terry Nagel
John Franco
COUNSEL FOR PLAINTIFFCOUNSEL FOR DEFENDANTJUDGE WolfCLERK O'LearyREPORTER RomanowCLERK'S NOTES

DATES:	Pre-trial Conference
10/30/06	Defendant, Ricardo Diaz, is not present in court. Defense counsel asks that the petition be dealt with in Springfield rather than Boston. Court orders that a warrant be issued and the defendant be brought before MJ Neiman in Springfield. Government reports that there has been no progress in plea discussions. Court will proceed on the assumption that a trial will be necessary. Parties agree that count three should be severed and should proceed against both defendants on counts 1 & 2 first. Court so orders. Court orders the government to either produce the letter (requested by the defendants) or explain why it won't produce it by November 3, 2006. Court marks defendants discovery request as exhibit 1. Any motions to compel shall be filed by November 10, 2006. Court orders defendant to file a letter to witness by November 3, 2006 and orders the clerk to send the letter to the BOP with the instruction to deliver it to the designee. Any motion for funds shall be file on or before November 3, 2006. Court then addresses the defendants' motion for bill of particulars. Court allows the defendants motion for bill of particulars to the extent that the government is ordered to identify, on or about, the date the conspiracy charged in count 1 ended by November 3, 2006. Court orders defendants to file their motions to dismiss by November 30, 2006. Government shall respond to motions by December 14, 2006. Hearin gon the motions shall be held on December 20, 2006 at 3:00 PM. Trial set for January 2, 2007 at 9:00 AM. Parties to report back on settlement by November 3, 2006. Court refers defendant's motion to alter conditions to MJ Neiman as well.